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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,599

08/07/2006

Gunter Fendt

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EXAMINER

AMIN, BHAVESH V

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,599	Applicant(s) FENDT ET AL.	
	Examiner BHAVESH AMIN	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14 - 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14 - 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/07/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding **claim 18**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 14 – 19 & 24 – 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Weller et al. US Patent 5,359,515 (hereafter referenced as Weller).

Regarding **claim 14** where it is disclosed by Weller to have an airbag system that fires the airbag using two different independent circuits as is shown in Fig 1. This is read upon by applicant's claim to, "A method for disposing of road user protection devices with at least one pyrotechnic igniter [Fig 1], the method comprising: providing a disposal firing order to an igniter (3.1.1, 3.2.1) or to an intermediate control device (2) [Fig 1 component 13] and in which the igniter (3.1.1, 3.2.1) [Fig 1 component 18] is fired, wherein the transmission of the disposal firing [Fig 1 component 17 & 16] orders to the igniter (3.1.1, 3.2.1) or to the intermediate control device (2) [Fig 1 component 10 &

11] is effected each on at least two different, separated and independent interfaces (6.1, 6.2, 4.1, 4.2, 4.3) [Fig 1 components 5, 6, 10, 11, 16 & 17]; and decoding of the disposal firing order initiated from outside is effected in the control device (2) by f at least two different, separated and independent units for signal decoding (7.1, 7.2) [fig 1 components 8 & 9] and that the forwarding is effected to at least two different, separated and independent signal paths (4.1, 4.2, 4.1.1, 4.2.1, 4.2.2, 4.1.2) [Fig 1 components 10 & 11].”

Regarding **claim 15** where it is disclosed by Weller's airbag system to have two separate firing circuits as shown in Fig 1. This is read upon by applicant's claim to, “wherein a concurrence in time of the disposal firing orders at the at least two separated one-wire, two-wire or multi-wire interfaces (6.1, 6.2) [Fig 1 components 10, 11, 16 & 17] and an overlapping in time of the interfaces (4.1, 4.2) is necessary for a certain defined time to result in a simultaneous closing of the power switch LOW of the interfaces (4.1) and of the power switch HIGH of the interfaces H (4.2) [column 4 lines 41 – 62].”

Regarding **claim 16** where it is described by Weller in their system to have a sensor to communicate with a controller to enable operation of the firing system. This is read upon, as best understood, by applicant's claim to, “wherein for effecting the disposal firing at least one interface (6.1, 6.2) is used to which also an assistant sensor (9) transmits (9.1) data and the protocol is chosen such that an order, which is supposed to initiate a disposal firing, is defined on the interface (6.2) in such manner as it is not provided for in the defined protocol scale of the assistant sensor (9) [Fig 1 and columns 3 & 4 lines 53 – 62 & 1 – 62 respectively].”

Regarding **claim 17** where Weller describes how the system has the functionality of being able to send a signal from a controller to initiate firing of the airbag using a sensor and this being compared to the information being sent by the second sensor as seen in Fig 1. This is read upon, as best understood, by applicant's claim to, "wherein for effecting the disposal firing at least one interface (6.1, 6.2) is used to which also an assistant sensor (9) transmits (9.1) data and that the protocol is chosen such that an order, which is supposed to initiate a disposal firing, is defined on the interface (6.2) in such manner as it corresponds in the defined protocol scale of the assistant sensor (9) or on its interface (9.1) to an activation request information of the assistant sensor (9) [Fig 1 and Columns 3 & 4 lines 53 – 68 & 1 – 62 respectively]."

Regarding **claim 18** where it is disclosed by Weller's system to have the capability to initiate the airbag system thereby being able to dispose of it. This is read upon by applicant's claim to, "wherein the method is for disposal of occupant restraint systems such as belt tensioners, airbags, pedestrian protection systems or over-roll systems [Column 2 lines 58 – 67]."

Regarding **claim 19** where it is disclosed by Weller in their figure 1 to have a system that is capable of disposing of an airbag by initiating the firing system. This is read upon by applicant's claim to, "A device for effecting a for disposal of road user protection devices with at least one pyrotechnic igniter, in which a disposal firing order can be provided to the igniter (3.1.1, 3.2.1) [Fig 1 components 19 & 20] or to an intermediate control device (2) [Fig 1 components 7 & 12] and in which the igniter (3.1.1, 3.2.1) can be fired [Fig 1 box 12 – 18], the device comprising: at least two

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different, separated and independent interfaces (6.1, 6.2, 4.1, 4.2, 4.3) [Fig 1 components 10, 16, 11 & 17] are provided for transmitting the disposal firing orders to an igniter (3.1.1, 3.2.1) [Fig 1 components 18] or to an intermediate control device (2) [Fig 1 component 7 & 12]; and in the control device (2)[Fig 1 box 7] at least two different, separated and independent units for signal decoding (7.1, 7.2) [Fig 1 boxes 8 & 9] are provided for decoding the disposal firing order initiated from outside and that at least two different, separated and independent signal paths (4.1, 4.2, 4.1.1, 4.2.1, 4.2.2, 4.1.2) are provided for forwarding [Fig 1 Lines 5, 6, 10 & 11].”

Regarding **claim 24** where Weller discloses in their system to have the ability to transmit power between components and is read upon by applicants claim to, “at least one of the interfaces (6.1, 6.2) is an energy supply line with an up-modulated information [Column 4 lines 55 – 62].”

Regarding **claim 25** where it is disclosed by Weller in their system to have a processor that can convert signals as shown in Fig 1 component 13 and further explained in column 3 lines 40. This is read upon by applicant’s claim to, “the unit for signal decoding (7.1) and the unit for level conversion (7.2), respectively, are realized as an ASIC or as a monitoring unit in an ASIC, or as a microprocessor.”

Regarding **claim 26** where it is disclosed by Weller to have a processor in their system which is able to process signals that are used for activation of the air bag, as described in columns 3 & 4 lines 67 - 68 & 1 - 2 respectively. This is read upon by applicant's claim to, “the units for signal decoding (7.1, 7.2) and the units for level conversion (7.2), respectively, have activation-capable algorithms.”

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 20 – 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Weller.

Regarding **claims 20 - 23** where Weller shows in Fig 1 how the system is connected by data lines as indicated in column 3 lines 30 – 46, this can easily be substituted for either a, “CAN-bus-interface, VAN-bus-interface, PAS-interface or K-interface.” Therefore it would have been obvious to one of ordinary skill at the time of invention to modify Weller by the changing the data lines to one of, a CAN-bus-interface, a VAN-bus-interface, a PAS-interface or a K-interface to enable faster transfer of data between components. This is therefore read upon by applicant’s claims to; having one of the following interfaces in claims 20 – 23 (CAN-bus-interface, VAN-bus-interface, PAS-interface or K-interface).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHAVESH AMIN whose telephone number is (571)270-3255. The examiner can normally be reached on M - T, Friday off, 7:30am to 6:00pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BVA (03/14/2008)

/Khoi H Tran/

Supervisory Patent Examiner, Art Unit 3664